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8

9 IN THE UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 RYAN MICHAEL VILLA,

15 Defendant.

16 CASE NO. 1:23-MJ-00133-EPG

17 STIPULATION REGARDING EXCLUDABLE  
18 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
19 FINDINGS AND ORDER

20 DATE: November 16, 2023

21 TIME: 2:00 p.m.

22 COURT:

23 This case is set for a detention hearing on November 16, 2023. The parties agree and stipulate to  
24 schedule the preliminary hearing on December 22, 2023 at 2:00 p.m. before the duty magistrate. The  
25 parties desire time to explore the possibility of a pre-indictment resolution. In order to gather the  
26 necessary information, review it, and engage in fruitful discussions, the parties need the time requested.

27 If the case is continued, this Court should designate a new date for the preliminary hearing.

28 *United States v. Lewis*, 611 F.3d 1172, 1176 (9th Cir. 2010) (noting any pretrial continuance must be  
“specifically limited in time”).

29

30 **STIPULATION**

31 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
32 through defendant’s counsel of record, hereby stipulate as follows:

- 33 1. By previous order, this matter was set for a detention hearing on November 16, 2023.  
34 2. By this stipulation, defendant now moves to schedule the preliminary hearing on

1 December 22, 2023, at 2:00 p.m. and to exclude time between November 16, 2023, and December 22,  
2 2023.

3. The parties agree and stipulate, and request that the Court find the following:

4 a) The parties are discussing and conducting further investigation into pre-  
5 indictment matters, and need additional time to conclude.

6 b) Counsel for defendant desires additional time to consult with his client, conduct  
7 further investigation, and further discuss charges with the government.

8 c) Counsel for defendant believes that failure to grant the above-requested  
9 continuance would deny him the reasonable time necessary for effective preparation, taking into  
10 account the exercise of due diligence.

11 d) The government does not object to the continuance.

12 e) Pursuant to F.R.Cr.P. 5.1(c) and (d), a preliminary hearing must be held “no later  
13 than 14 days after initial appearance if the defendant is in custody,” unless the defendant  
14 consents and there is a “showing of good cause”. Here, the defendant consents and there is good  
15 cause as set forth herein.

16 f) Based on the above-stated findings, the ends of justice served by continuing the  
17 case as requested outweigh the interest of the public and the defendant in an indictment or trial  
18 within the original dates prescribed by the Speedy Trial Act.

19 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
20 et seq., within which an indictment must be filed and within which a trial must commence, the  
21 time period of November 16, 2023 to December 22, 2023, inclusive, is deemed excludable  
22 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the  
23 Court at defendant’s request on the basis of the Court’s finding that the ends of justice served by  
24 taking such action outweigh the best interest of the public and the defendant in a speedy  
25 indictment/trial.

26 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
27 Speedy Trial Act dictate that additional time periods are excludable from the period within which an  
28 indictment must be filed and a trial must commence.

1 IT IS SO STIPULATED.

2 Dated: November 13, 2023

PHILLIP A. TALBERT  
United States Attorney

4 /s/ ARIN HEINZ  
5 ARIN HEINZ  
6 Assistant United States Attorney

7 Dated: November 13, 2023

8 /s/ DANIEL HARRELSON  
9 DANIEL HARRELSON  
Counsel for Defendant  
RYAN MICHAEL VILLA

10 **FINDINGS AND ORDER**

11 This COURT HEREBY FINDS and ORDERS:

- 12 1) That there is good cause, pursuant to F.R.Cr.P. 5.1(c) and (d), to schedule the preliminary  
13 hearing in this matter for December 22, 2023, at 2:00 p.m. The defendant is ordered to appear.  
14 2) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,  
15 within which an indictment must be filed and within which a trial must commence, the time period of  
16 November 16, 2023 to December 22, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. §  
17 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request  
18 on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best  
19 interest of the public and the defendant in a speedy indictment/trial.

20 IT IS SO ORDERED.

21 Dated: November 14, 2023



22 UNITED STATES MAGISTRATE JUDGE